UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,012	10/21/2005	Eric Jos Bert Koerber	NL030409	9923

24737 7590 07/31/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
CHAI, LONGBIT	

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
07/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/554,012	KOERBER, ERIC JOS BERT	
	Examiner	Art Unit	
	Longbit Chai	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Currently pending claims are 1 – 20.

Response to Arguments

2. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.

3. As per claim 1 and 10, Applicant amends the claims and asserts Anderson does not teach "receiving at the distributing device (emphasized) the class number of the receiving device, verifying at the distributing device (emphasized), when distribution of information is to be effected from the distributing device to the receiving device, the class number of the receiving device; and distributing information from the distributing device to the receiving device if the receiving device has a lower class number than the distributing device" as required by Claim 1. Examiner respectfully disagrees with the following reasons:

- Anderson teaches Network 10 has an information filter device 16 (gateway: which is interpreted as the distributing device as recited in the claim) connecting the device at more classified network 10 to the device at less classified computer network 12 (Anderson: Figure 2 and Column 5 Line 20 – 30) and the information filter can be made to ensure that only information which has been properly sealed by a trusted sealer is passed from the device at more classified network 10 to the device at less classified network 12 (Anderson: Column 5 Line 32 – 34) and as such Anderson does teach "receiving at the distributing device the class number of the receiving device" so that the gateway (i.e. information filter) can verify and assure passing the information to the receiving device located within the less classified computer network 12, which is

implicitly consistent with the arguments of Applicant's remarks (Remarks: Page 14, Last Para).

- Therefore, Anderson does teach "receiving at the distributing device the class number of the receiving device, verifying at the distributing device, when distribution of information is to be effected from the distributing device to the receiving device, the class number of the receiving device; and distributing information from the distributing device to the receiving device if the receiving device has a lower class number than the distributing device" and as such Applicant's arguments are respectfully traversed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 19 – 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly claimed subject matter filed on 7/10/2007 is "a transceiver configured to receive a class number from a receiving device" since Examiner notes, according to the closest disclosure of the instant specification is "a distributing device contained in the system is arranged with means for verifying, when distribution of information is to be effected from the distributing device to a receiving device in the system, the class number of the receiving device' (SPEC: Page 3 Line 11 – 18). However, there is no specific feature that "a transceiver configured to

receive a class number from a receiving device", as newly recited in the claim19, is disclosed in the instant specification and Examiner notes "verifying the class number of the receiving device" is not required to be directly received from the receiving device and can be received indirectly from another 3rd-party device (such as configuration information) in order to verify the class number of the receiving device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 – 3 and 10 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Patent 6,108,787).

As per claim 1, 10 and 19, Anderson teaches a method for distributing information from a distributing device to a receiving device, wherein each device has been assigned a respective level of information distribution authorization (Anderson: Figure 11 and Column 14 Line 18 – 23), the method being characterized in that:

a level of information distribution authorization is denoted by means of a class number (Anderson: Figure 11 and Column 14 Line 18 – 23: the high / low side of network devices can be considered as indicated by a high / low class number); and in that the method comprises the acts of:

receiving at the distributing device the class number of the receiving device (Anderson: Figure 2 and Column 5 Line 20 – 30 and Column 5 Line 32 – 34: (a) gateway is interpreted as the distributing device as recited in the claim (b) Network 10 has an information filter device 16 (gateway) connecting the device at more classified network 10 to the device at less classified computer network 12 and (c) the information filter can be made to ensure (i.e. verify) that only information which has been properly sealed by a trusted sealer is passed from the device at more classified network 10 to the device at less classified network 12, which is implicitly consistent with the arguments of Applicant's remarks (Remarks: Page 14, Last Para));

verifying at the distributing device, when distribution of information is to be effected from the distributing device to the receiving device, the class number of the receiving device (Anderson: Column 5 Line 32 – 34: the information filter can be made to ensure that only information which has been properly sealed by a trusted sealer is passed from the device at more classified network 10 to the device at less classified network 12); and

Anderson does not disclose expressly distributing information from the distributing device to the receiving device if the receiving device has a lower class number than the distributing device.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Anderson to accommodate that the higher side client device has a lower class number and the lower side server has a higher class number because (a) Anderson teaches an one-way information diode where the lower side application server (Figure 11 / Element 58) intercepts the low side application display commands which would otherwise have been used to drive a local display or one within the less classified network 12 and directs those commands to the high side client

display application (Figure 11 / Element 52) through the data diode using an appropriate remote display protocol (Anderson: Figure 11 and Column 14 Line 18 – 23); (b) Examiner notes the higher side client device that may have a certain number of potential users can be obviously assigned a lower class number to meet the claim language – this is also consistent with the disclosure of the instant application that class number is merely served as an assigned level for the purpose of information distribution authorization and the low / high class number may be chosen interchangeably as desired (SPEC: Page 3 Line 19 – 21 / Line 27 – 28) and (c) Anderson teaches the information filter can be made to ensure passing the information from the more classified network 10 to less classified network 12, which is obviously passing the information from the device at more classified network 10 (i.e. higher class number) to the device at less classified computer network 12 (i.e. lower class number) (Anderson: Column 5 Line 32 – 34).

As per claim 2 and 11, Anderson as modified teaches the class number assigned to a device corresponds to the ability to distribute information from said device to another device, a lower class number indicating a lower ability to distribute information (Anderson: Figure 11 and Column 14 Line 18 – 23 and Column 2 Line 6 – 13 / Line 53 – 59: the higher side client device (assuming a lower class number) indicating as an information sinker / receiver – i.e. a lower ability to distribute information).

As per claim 3 and 12, Anderson as modified teaches at least part of the information to be distributed from the distributing device to the receiving device is encrypted such that said receiving device is able to decrypt the encrypted information if the receiving device has a lower class number than the distributing device (Anderson:

Column 2 Line 6 – 13: all information passing through the interface must be encrypted when distributed on the network).

6. Claims 5 – 7 and 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Patent 6,108,787), in view of Medvinsky (U.S. Patent 2004/0139312).

As per claim 5 and 14, Anderson as modified does not disclose expressly the devices are arranged in a home network.

Medvinsky teaches the devices are arranged in a home network (Medvinsky: Para [0005] Line 5 and Para [0025]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Medvinsky within the system of Anderson as modified because (a) Anderson teaches providing an information diode that allows only one-way information flow depending on the relative classified level between the source and the destination devices (Anderson: Figure 11 and Column 14 Line 18 – 23 and Column 2 Line 6 – 13 / Line 53 – 59) (b) Medvinsky teaches, in a home network environment, the receiving device, alone, should also have sufficiently high security level in order to receive the secured data from the home network (Medvinsky: Para [0005] Line 5, Para [00025] and Para [0007]).

As per claim 6 and 15, Anderson as modified teaches the class numbers are assigned to the devices by a home network supervisor (Medvinsky: Para [0005] Line 5, Para [0025] and Para [0061] Line 11 – 13: a supervisor to manage the content license

(determining the security level) in a home network is considered as a home network supervisor).

As per claim 7 and 16, Anderson as modified does not disclose expressly the class numbers are assigned to the devices by a device manufacturer.

Medvinsky teaches the class numbers are assigned to the devices by a device manufacturer (Medvinsky: Para [0012] Line 8 – 10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Medvinsky within the system of Anderson as modified because (a) Anderson teaches providing an information diode that allows only one-way information flow depending on the relative classified level between the source and the destination devices (Anderson: Figure 11 and Column 14 Line 18 – 23 and Column 2 Line 6 – 13 / Line 53 – 59) (b) Medvinsky teaches the security level of a host device can be placed in a digital certificate along with a corresponding public key at the time of manufacture of a device so that more comprehensive system-wide security levels can be communicated and maintained (Medvinsky: Para [0012] Line 8 – 13).

7. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Patent 6,108,787), and in view of simon (U.S. Patent 6,871,276).

As per claim 4 and 13, Anderson as modified does not disclose expressly a device must be assigned a digitally signed class number to qualify itself as an information distributor and receiver.

Simon teaches a device must be assigned a digitally signed class number to qualify itself as an information distributor and receiver (Simon: Column 10 Line 25 – 28 and Column 9 Line 34 – 44).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Simon within the system of Medvinsky as modified because (a) Anderson teaches a digital signature can be used for verification purpose to uniquely identify an information object (Anderson: Column 5 Line 38 – 42 and Column 14 Line 1 – 2) and (b) Simon teaches the security level attribute of the client device is included in the digital certificate and is further encoded into a digital signature for authentication purpose (Simon: Column 10 Line 19 – 28).

8. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Patent 6,108,787), and in view of Coez et al. (U.S. Patent 6,981,044).

As per claim 8 and 17, Anderson as modified does not disclose expressly different sub devices contained in a device can be assigned different class numbers.

Coez teaches different sub devices contained in a device can be assigned different class numbers (Coez: Column 3 Line 3 – 7, Column 2 Line 7 – 10 and Column 3 Line 40 – 44: a device can contain sub-devices with different security levels associated software application executable entities).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Coez within the system of Medvinsky as modified because (a) Anderson teaches a one-way information diode where data can be transferred through a series of multiple devices across different networks with different

security rating levels (Anderson: Column 2 Line 53 – 59) and (b) Coez teaches a device can contain a series of sub-devices with different security levels associated software application executable entities (Coez: Column 10 Line 19 – 28) for managing priorities of access of applications to resources of devices linked by a communication network (Coez: Column 1 Line 31 – 34).

9. Claims 9, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Patent 6,108,787), in view of Lofgren et al. (U.S. Patent 6,664,976).

As per claim 9, 18 and 20, Anderson as modified does not disclose expressly the information to be distributed from a distributing device to a receiving device is provided with a watermarked class number, the watermarked class number specifying the highest class number that the receiving device can have and still be allowed to receive the information.

Lofgren teaches the information to be distributed from a distributing device to a receiving device is provided with a watermarked class number (Lofgren: Column 9 Line 16 – 19: the security level is embedded in the watermark), the watermarked class number specifying the highest class number that the receiving device can have and still be allowed to receive the information (Lofgren: Column 10 Line 51 – 53 & Anderson: Figure 11, Column 14 Line 18 – 23 and Column 2 Line 53 – 59: Lofgren teaches the verification process determines whether the user's security level of the receiving device is sufficiently corresponds with the received image's security level requirements and Anderson teaches an one-way information diode, assuming the higher side client device has a lower class number and the lower side server has a higher class number as

presented above, and the information can only flow from the lower side (higher class number) to the higher side (lower class number) and as such it is obvious that the watermarked class number specifying the highest (in sufficiency) class number that the receiving device can have and still be allowed to receive the information).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lofgren within the system of Medvinsky because (a) Anderson teaches providing an information diode that allows only one-way information flow depending on the relative classified level between the source and the destination devices (Anderson: Figure 11 and Column 14 Line 18 – 23 and Column 2 Line 6 – 13 / Line 53 – 59) and (b) Lofgren teaches the security level can be embedded within the watermark and the data access / transfer permission is only granted to those with adequate security level corresponds with the received image's security level requirements (Lofgren: Column 9 Line 16 – 19 and Column 10 Line 51 – 53).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Longbit Chai
Examiner
Art Unit 2131

LBC

CHRISTOPHER REVAK
PRIMARY EXAMINER